

REMARKS

Reconsideration of the application is requested in view of the modifications above and the remarks below.

Claim Objections

The Office Action alleged that Claims 9 and 11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may depend from any preceding claims in the alternate only. See MPEP § 608.01 (n). Normally, the claims would not be further treated on the merits, but, in order to advance the prosecution, they have been so treated. In view of the modifications above, the objection is believed overcome. Reconsideration is requested.

Claim Rejections - 35 USC § 112, First Paragraph

The Office Action rejected Claim 17 under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Applicant has cancelled Claim 17 and the rejection is believed moot. Reconsideration is requested.

Rejection Under 35 USC 112, second paragraph

The Office Action rejected Claim 10 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The exact meaning of the phrase "... a reducing agent is further in the reaction" is unclear.

Applicant requests that the USPTO reconsider the rejection. 35 USC 112, second paragraph, essentially requires precision and definiteness of claim language. *In re Borkowski*, 164 USPQ 642 (CCPA 1970). Definiteness of claim language must be analyzed, not in a vacuum, but in light of (i) the context of the particular application disclosure, (ii) the teachings of the prior art, and (iii) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. See (MPEP 2173.02, *In re Wiggins*, 179 USPQ 421 (CCPA 1973)). If the scope of the subject matter embraced by the claim is clear, and if Applicant has not otherwise indicated that he

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intends that claim to be a different scope, then the claim does particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. *In re Borkowski* at 645-646. A broad claim, no matter how broad, is not indefinite for purposes of section 112, second paragraph, as long as the boundaries of the claim are capable of being understood. Stated differently, breadth alone is not indefiniteness. See *In re Gardner*, 166 USPQ 138 (CCPA 1970).

The phrase "... a reducing agent is further in the reaction" is merely to point out that a reducing agent is used in the claimed process. For instance, on page 7, Applicant describes reducing agents. One of ordinary skill in the art would understand what is meant by reducing agents. When the claim is analyzed in light of the context of the instant disclosure, the teachings of the prior art, and the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made, the subject matter of Claim 12 is clear and the boundaries of the claim would be understood. Reconsideration is requested.

The Office Action's rejection of Claim 17 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps is believed moot in view of Applicants' canceling Claim 17.

TRADEMARK MATTERS

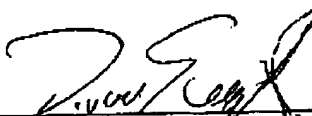
Per the Office Action's suggestion, Applicants have modified the specification to address the trademark matters raised in the Office Action.

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In view of the above modifications and remarks, Applicants submit that the pending claims are in condition for allowance.

Respectfully submitted,

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